

NORRIS HOWARD §
v. § CIVIL ACTION NO. 5:18cv29
SHERIFF JAMES PRINCE §

The Plaintiff Norris Howard, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The sole named Defendant is Bowie County Sheriff James Prince.

Plaintiff complained he was unlawfully confined in the Bowie County Correctional Center when he is not a prisoner of the State of Texas and has no charges or convictions from the State of Texas. Sheriff Prince filed a motion for summary judgment stating Plaintiff is a prisoner of the State of Arkansas being housed in Bowie County under a contract between the State of Arkansas and LaSalle Southwest Corrections, the corporation which operates the Bowie County Correctional Center. Plaintiff filed a reply arguing his confinement in Texas is unconstitutional.

After review of the pleadings, the Magistrate Judge issued a Report recommending the motion for summary judgment be granted and the lawsuit dismissed with prejudice. A copy of this Report was sent to Plaintiff but no objections have been received; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings

and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).


The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED the Report of the Magistrate Judge (docket no. 51) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the Defendant's motion for summary judgment (docket no. 44) is **GRANTED** and the above-styled civil action is **DISMISSED WITH PREJUDICE**. It is further

ORDERED any and all motions which may be pending in this civil action, specifically including but not limited to the Plaintiff's motion for summary judgment (docket no. 13) are **DENIED**.

So ORDERED and SIGNED this 14th day of March, 2019.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE